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DEPT FOR AF A/S FRAZER, SE WILLIAMSON, AF/SPG, DRL
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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [AU](#) [UNSC](#) [SU](#)
SUBJECT: ICC ACTION, SUDAN'S ELECTORAL COMMISSION, AND SOUTH SUDAN
POLITICS: A CONVERSATION WITH MINISTER JOSEPH OKEL

REFS: A) KHARTOUM 1349
B) KHARTOUM 1289

SUMMARY

11. (SBU) According to GNU Parliamentary Affairs Minister Joseph Okel, the NCP is doing little to stave off an impending ICC indictment of President Bashir and lamented that the 25 August Kalma IDP camp incident has moved the GoS further away from securing an Article 16 suspension from the UNSC. Okel alleged that neither the SPLM, nor the NCP is interested in national elections, and claimed that the two major parties conferred broad power on the National Electoral Commission (NEC) to suspend elections in order to do the parties' dirty work in delaying elections. Okel worried that if GoSS President Kiir runs for the Presidency of Sudan, it will seriously weaken southern unity, and he decried basing political appointments in the GoSS on tribal affiliation. End summary.

ALL TALK, NO ACTION

12. (SBU) On 4 September, GNU Minister for Parliamentary Affairs Joseph Okel of the Union of Sudan African Parties 1 (USAP 1) told CDA Fernandez that the High Committee on the ICC Crisis, led by GNU First Vice President (and GoSS President) Salva Kiir Mayardit, is all talk and no action. CDA Fernandez asked Okel if he thinks the NCP is serious about its threats to freeze CPA implementation, declare a state of emergency, and eject AU-UN peacekeepers from Darfur if an ICC arrest warrant is issued. "People (in the NCP) are used to saying unreasonable things," said Okel. "They describe these things as though they are a success and they think it will be effective."

13. (SBU) "There is no one position" in the High Committee about how to deal with the crisis, Okel continued. While some believe that threatening the international community is an acceptable strategy, others (particularly the SPLM) disagree. "This is a serious situation, and they don't listen to us. The NCP thinks that when the international community gives them a chance to improve, they have won." We have told the NCP that the GOS must take concrete steps to improve the situation in Darfur that will convince the UNSC members to postpone an arrest warrant, so that we can put our house in order in Sudan.

14. (SBU) Minister Okel participated in the GNU delegation that recently traveled to Libya, Burkina Faso, Senegal, and South Africa to encourage the African UNSC members to call for an Article 16 suspension of a possible Bashir arrest warrant. After being briefed by ICC Prosecutor Luis Moreno Ocampo on 19 August, President of Senegal Abdoulaye Wade recommended to the GNU team that President Bashir not travel with an ICC arrest warrant pending. Wade also

advised that President Bashir hand over ICC indictees Ahmed Haroun and Ali Kushayeb and disarm the janjaweed. The NCP did not appreciate Wade's frank advice, according to Okel. "Wade had met recently with the Americans," he noted.

KALMA INCIDENT COMPOUNDS PROBLEM

15. (SBU) The 25 August incident at the Kalma IDP camp adds to our problem, Okel told the CDA (ref B). "We've gone from bad to worse." Not until the night of 2 September did the GoS launch a formal investigation into the incident, and only then because there was a lot of talk, said Okel. CDA Fernandez asked Okel whether he believes the SPLM is making a good faith effort to help the NCP resolve the Darfur conflict. The SPLM is making a good faith effort, replied Okel, but the NCP gives them nothing to work with. We (i.e., the southern parties) tell the NCP to work with the factions. We tell them to consider dismantling the Darfur Peace Agreement and starting anew if that is what it takes, said Okel.

16. (SBU) According to Okel, President Bashir plans to form a national committee to engage in negotiations with the rebel factions in two months time. CDA Fernandez warned Okel that the GoS may not have two months. This is yet another case of the NCP prioritizing process over results, said the CDA, and this time it will not be good enough.

NCP AND SPLM BOTH FEAR ELECTIONS

17. (SBU) CDA Fernandez commented that while important CPA deliverables such as Abyei and elections are moving forward, albeit

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at a snail's pace, the impending ICC arrest warrant seems to overshadow events Sudan-wide. Okel agreed and raised the likelihood of the GoSS' rejecting results of the recent census. According to the CPA, census results are to feed into the power-sharing arrangement of the newly-elected GNU. Okel stated that it is in the interest of neither the NCP nor the SPLM to hold elections. Both parties stand to lose their current grip on power at the national and local level (and in the South, at the regional level as well).

NEC: A TOOL TO DERAIL ELECTIONS

18. (SBU) According to Okel, the NCP and the SPLM purposely designed the National Electoral Commission (NEC) to have broad powers over the electoral process. One of these powers (Chapter II, Section 10, letter (i) of the National Electoral Law) is: "to postpone any procedure of elections or referendum for any compelling situation according to this Act and determine new dates thereto." In Okel's opinion, the two parties will quietly encourage the NEC to delay elections until at least 2010, on the grounds of "technical issues." "Everybody will tell you they are keen on elections," said Okel, but no party is really interested in having them.

19. (SBU) Okel also voiced concern about the current electoral environment and the inability of small parties to travel and campaign freely. He referred to the recent shutdown of two Sudanese newspapers by the regime (ref A) and asked, "How can we go to elections like this?" During its next session, which runs from 13 October to December, the Parliament only will have time to deliberate on the budget, claimed Okel. There will be little time to discuss reform of laws urgently needed before elections, such as the media and security acts.

POLITICAL MANUVERING IN THE SOUTH

10. (SBU) Because the electoral law does not allow a candidate to contest the position of GNU President and GoSS President simultaneously, many are concerned about who might succeed GoSS President Salva Kiir Mayardit were he to choose to run for President of the GNU. If Kiir contests the GNU Presidency and loses, he will

be left him without a position in either government. This is a way for current GoSS Vice President Riek Machar Teny and his Nuer supporters to "get rid of Kiir," said Okel. Okel voiced concern about a GoSS led by Machar. Machar is even more indecisive than Kiir, according to Okel, and he is not a uniting factor in the South. "For the time being, Kiir is the only southern leader that can keep the south united," said Okel who has not shied away from criticizing Salva in the past. Kiir needs to be encouraged to continue to lead the south (and the GoSS) until we get an alternative, he added.

TRIBALISM IN SOUTHERN POLITICS

¶11. (SBU) CDA Fernandez asked Okel's views about the role of tribalism in southern politics. According to Okel, Anyanya I (the early southern Sudan independence movement) leader Joseph Lagu first made tribalism an issue in the late 70's as a way of pressuring Abel Alier. In his message of a unified "New Sudan," late SPLM Chairman John Garang tried to bury the idea that someone should be promoted to (or is entitled to) a position of political influence just because he/she represents a certain tribe. However, others in the party, such as Riek Machar and Lam Akol, opposed Garang's vision. When Salva Kiir Mayardit became SPLM Chairman and President of the GoSS on Garang's death, he reverted to appointing people based on tribal entitlement, said Okel. (Note: Many observers believe that Kiir's strategy of apportioning political positions based on ethnicity was a clever and successful strategy that conciliated disaffected groups and helped weld a fragile southern unity in the aftermath of the signing of the CPA. End note.)

¶12. (SBU) However, neither intellectuals nor the general public in the South support this idea, said Okel. Tribalism is not an issue for them. The use of tribalism to divide southerners is a tactic that has been employed by the NCP, he claimed. Okel warned that the NCP is employing the same divide and rule tactic to tribes in Darfur. "One would hope that democracy would trump tribalism and produce elections based on merit," said Okel. "What is the use of parties if people associate only with their tribes?" asked Okel. We need to build parties so that people compete not based on tribal differences, but on party ideals. The only way to make sure that political tribalism does not succeed is through democratic

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elections, said Okel.

COMMENT

¶13. (SBU) As the clock ticks towards a possible ICC indictment of President Bashir, the NCP seems to be still divided on how best to proceed and apparently unsure about proving that it is serious about making the kind of on-the-ground progress in Darfur that might convince the U.S. to abstain from an Article 16 veto. As a sharp observer of regime dynamics, albeit from an independent Southern perspective, and with good insight into NCP-SPLM interaction on critical issues confronting the GNU, Okel is often able to pinpoint the intricacies of the SPLM-NCP relationship and even explain internal divisions within the parties. Okel's assessment that the two major parties' deliberately provided the NEC with the power to delay the elections so that the SPLM and the NCP do not have to call for a delay themselves is an interesting one. We have noted on several occasions that elections are not in the interest of either major party and that a slippage to 2010 means that elections may not occur at all. The SPLM may be even more nervous about elections than an aggressive NCP. When established, if the NEC is nothing more than a pawn of the NCP and the SPLM, this makes the no elections scenario that many in Sudan expect even more likely. It could provide a face-saving method of delay without either party paying a direct political cost for postponement.

FERNANDEZ